

Notice of Allowability

Application No.

09/485,277

Examiner

Cheryl Juska

Applicant(s)

NEUMAYR ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed on June 16, 2003.
2. ☒ The allowed claim(s) is/are 1-12,14-21,23-60 and 62.
3. ☐ The drawings filed on 17 May 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>0607</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Richard Jenkins on July 7, 2003.

3. The application has been amended as follows:

Claim 14. Process in accordance with claim [13] 1, characterized in that the [carbon disulphide content of the solution is] wet sulphide process in Step (g) is carried out in a solution containing between 150 and 250 g/l carbon disulphide and [the sodium hydroxide content is] between 250 and 350 g/l sodium hydroxide.

Claim 15. Process in accordance with claim [14] 1, characterized in that the [carbon disulphide content of the solution is] wet sulphide process in Step (g) is carried out in a solution containing between 180 and 210 g/l carbon disulphide and [the sodium hydroxide content is] between 280 and 320 g/l sodium hydroxide.

Reasons for Allowance

4. The Amendment After Final, submitted on June 16, 2003, has been entered. Claims 1, 4, 6-8, 11, 16-18, 20-23, 25, 26, 28, 31-33, 43, 44, and 56-59 have been amended, while claims 13, 22, 60, and 61 have been cancelled. Additionally, the specification has been amended as

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requested. The pending claims are 1-12, 14-21, 23-60, and 62, with claims 1, 43, and 44 being independent claims.

5. The Amendment After Final is sufficient to withdraw the objection to the specification as set forth in section 4 of the last Office Action. Additionally, the cancellation of claims 13, 60, and 61 renders moot the 112, 2nd rejection of said claims, as set forth in section 7 of the last Office Action.

6. The amendments to claims 43 and 44 are sufficient to withdraw the 112, 2nd rejection of said claims, as set forth in section 8 of the last Office Action. Claims 43 and 44 were previously indicated as containing allowable subject matter in section 21 of the last Office Action. Hence, claims 43 and 44 are now allowed.

7. Furthermore, the amendment to claim 1 is sufficient to withdraw the prior art rejections set forth in sections 9-13 of the last Office Action. In particular, applicant has amended claim 1 to recite the active method steps of “selecting shoots no older than 1 year of deciduous trees or conifers” and “deriving wood pulp from the shoots.” The prior art does not teach or fairly suggest the selection of the presently claimed shoots, nor does the prior art teach the cellulose fiber structure which results from said selection of shoots (i.e., “fibre-parallel lamellae with spacing between 1 nm and 5 μ m”). Thus, claims 1-12, 16-21, 23-42, 45-60, and 62 are allowed.

8. The above examiner’s amendment is made to correct the subject matter of claims 14 and 15, which depended from cancelled claim 13. With said examiner’s amendment, claims 14 and 15 are also in condition for allowance.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

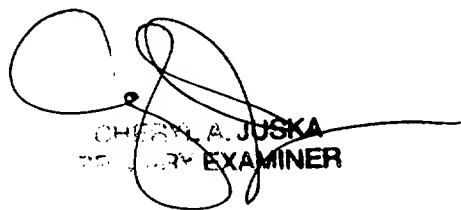
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



CHERYL A. JUSKA
EXAMINER

cj
July 7, 2003